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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **SEATTLE DIVISION**

11 ANDREW C. BUCHANAN,

12 Plaintiff,

13 v.

14 WINDERMERE REAL ESTATE  
15 NORTHEAST, INC and DC GRANGER  
16 HOMES, LLC,

Defendants.

CASE NO. 2:21-cv-01682

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT  
(INJUNCTIVE RELIEF DEMANDED)**

**JURY DEMAND**

17 Plaintiff ANDREW C. BUCHANAN by and through his undersigned counsel, brings this  
18 Complaint against Defendants WINDERMERE REAL ESTATE NORTHEAST, INC and DC  
19 GRANGER HOMES, LLC for damages and injunctive relief, and in support thereof states as  
20 follows:  
21

22 **SUMMARY OF THE ACTION**

23 1. Plaintiff ANDREW C. BUCHANAN ("Buchanan") brings this action for  
24 violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute  
25 Buchanan's original copyrighted Work of authorship.  
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1           2.       For the past 21 years, Seattle architectural photographer Andrew Buchanan offers  
2 photography of architecture, interiors, commercial & public spaces, and other built environments  
3 to design and marketing professionals, hotels and resorts, developers, magazines, and advertisers  
4 needing compelling, graphic photos. Over 300 firms have trusted him to feature their best  
5 projects. He specializes in architectural and interiors photography, helicopter aerial photography,  
6 land design photography, and hotel & resort photography throughout Washington, Oregon, and  
7 nationwide.  
8

9           3.       Defendant WINDERMERE REAL ESTATE NORTHEAST, INC  
10 (“Windermere”) is a residential real estate brokerage company that has offices in Washington,  
11 Montana, Oregon, California, Nevada, Utah, Colorado, Arizona, Hawaii and Cabo San Lucas.

12           4.       Defendant DC Granger Homes, LLC (“Granger”) is a home builder that  
13 constructed the residential units known as Eight on Florentia located in Seattle, Washington.

14           5.       Defendants Windermere and Granger are collectively referred to herein as  
15 “Defendants.”  
16

17           6.       Buchanan alleges that Defendants copied Buchanan's copyrighted Work from the  
18 internet in order to advertise, market and promote their business activities. Defendants  
19 committed the violations alleged in connection with Defendants' businesses for purposes of  
20 advertising and promoting sales to the public in the course and scope of the Defendants'  
21 businesses.  
22

### 23                           **JURISDICTION AND VENUE**

24           7.       This is an action arising under the Copyright Act, 17 U.S.C. § 501.

25           8.       This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C.  
26 §§ 1331, 1338(a).

1 9. Defendants are subject to personal jurisdiction in Washington.

2 10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a)  
3 because the events giving rise to the claims occurred in this district, Defendants engaged in  
4 infringement in this district, Defendants reside in this district, and Defendants are subject to  
5 personal jurisdiction in this district.

6 **DEFENDANTS**

7 11. Windermere Real Estate Northeast, Inc is a Washington Corporation, with its  
8 principal place of business at 11411 NE 112th Street, Suite 110, Kirkland, Washington, 98034,  
9 and can be served by serving its Registered Agent, DLF Agent Services Inc., 5224 Wilson  
10 Avenue South, Suite 200, Seattle, Washington, 98118.

12 12. DC Granger Homes, LLC is a Washington Limited Liability Company, with its  
13 principal place of business at 11250 Kirkland Way, Suite 103, Kirkland, Washington, 98033, and  
14 can be served by serving its Registered Agent, Ms. Julie Merritt, at the same address.

15 **THE COPYRIGHTED WORK AT ISSUE**

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17 13. In 2014, Buchanan created the photograph entitled df032872, which is shown  
18 below and referred to herein as the “Work”.  
19



1           14.     Buchanan registered the Work with the Register of Copyrights on December 22,  
2 2014 and was assigned the registration number VA 1-942-540. The Certificate of Registration is  
3 attached hereto as Exhibit 1.

4           15.     At all relevant times Buchanan was the owner of the copyrighted Work at issue in  
5 this case.

6                               **INFRINGEMENT BY DEFENDANTS**

7           16.     Defendants have never been licensed to use the Work at issue in this action for  
8 any purpose.  
9

10          17.     On a date after the Work at issue in this action was created, but prior to the filing  
11 of this action, Defendants copied the Work.

12          18.     On or about March 1, 2021, Buchanan discovered the unauthorized use of his  
13 Work on the website located at the URL [www.eightonflorentia.com](http://www.eightonflorentia.com).

14          19.     Defendants copied Buchanan's copyrighted Work without Buchanan's permission.

15          20.     After Defendants copied the Work, they made further copies and distributed the  
16 Work on the internet to promote the sale of residential units as part of their home building and  
17 real estate sales businesses.  
18

19          21.     Defendants copied and distributed Buchanan's copyrighted Work in connection  
20 with Defendants' businesses for purposes of advertising and promoting Defendants' businesses,  
21 and in the course and scope of advertising and selling products and services.

22          22.     Buchanan's Works are protected by copyright but are not otherwise confidential,  
23 proprietary, or trade secrets.  
24

25          23.     Defendants committed copyright infringement of the Work as evidenced by the  
26 documents attached hereto as Exhibit 2.

1           24.     Buchanan never gave Defendants permission or authority to copy, distribute or  
2 display the Work at issue in this case.

3           25.     Buchanan notified Defendants of the allegations set forth herein on April 12,  
4 2021. To date, the parties have failed to resolve this matter. A copy of the Notice to Defendants  
5 is attached hereto as Exhibit 3.

6  
7                               **COUNT I**  
8                               **COPYRIGHT INFRINGEMENT**

9           26.     Plaintiff incorporates the allegations of paragraphs 1 through 25 of this Complaint  
10 as if fully set forth herein.

11           27.     Buchanan owns a valid copyright in the Work at issue in this case.

12           28.     Buchanan registered the Work at issue in this case with the Register of Copyrights  
13 pursuant to 17 U.S.C. § 411(a).

14           29.     Defendants copied, displayed, and distributed the Work at issue in this case and  
15 made derivatives of the Work without Buchanan's authorization in violation of 17 U.S.C. § 501.

16           30.     Defendants performed the acts alleged in the course and scope of its business  
17 activities.

18           31.     Defendants' acts were willful.

19           32.     Buchanan has been damaged.

20           33.     The harm caused to Buchanan has been irreparable.

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22           WHEREFORE, the Plaintiff prays for judgment against the Defendants Windermere Real  
23 Estate Northeast, Inc and DC Granger Homes, LLC that:

1 a. Defendants and their officers, agents, servants, employees, affiliated entities, and  
2 all of those in active concert with them, be preliminarily and permanently enjoined from  
3 committing the acts alleged herein in violation of 17 U.S.C. § 501;

4 b. Defendants be required to pay Plaintiff his actual damages and Defendants'  
5 profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided  
6 in 17 U.S.C. § 504;

7 c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable  
8 statutes sued upon;

9 d. Plaintiff be awarded pre and post-judgment interest; and

10 e. Plaintiff be awarded such other and further relief as the Court deems just and  
11 proper.  
12

13 **JURY DEMAND**

14 Plaintiff hereby demands a trial by jury of all issues so triable.

15 DATED: December 17, 2021

16 Respectfully submitted,

17 /s/Joel B. Rothman

18 JOEL B. ROTHMAN

19 Washington Bar Number: 57717

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